

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

UNITED STATES OF AMERICA	)	
	)	CRIMINAL ACTION
v.	)	NO.: 1:08-CR-421-03-CAP
	)	
RICARDO GODFREY PINDER, JR.	)	
_____	)	

**PROPOSED SUPPLEMENTAL JURY INSTRUCTIONS**

Now comes the Defendant, RICARDO PINDER, who submits this proposed  
Supplemental Request to Charge No. 1.

\_\_\_\_\_Dated: This 10th day of August, 2010.

Respectfully Submitted,

/s/ Vionnette Johnson

VIONNETTE JOHNSON  
GEORGIA BAR NO.: 601290

/s/ Natasha Perdeu Silas

NATASHA PERDEW SILAS  
GEORGIA BAR NO.: 571970  
ATTORNEYS FOR RICARDO PINDER, JR.

Federal Defender Program, Inc.  
Centennial Tower, Suite 1500  
101 Marietta Street, N.W.  
Atlanta, Georgia 30303  
(404) 688-7530; Fax (404) 688-0768  
Vionnette\_Johnson@fd.org  
Natasha\_Silas@fd.org

**DEFENDANT'S REQUEST TO CHARGE NO. 1**

**Defendant Pinder's Theory of Defense as to Count One**

Mr. Pinder has pleaded not guilty to the charges contained in the indictment. This plea puts in issue each of the essential elements of the offenses as described in these instructions, and imposes on the government the burden of establishing each of these elements by proof beyond a reasonable doubt.

As it relates to Count One, which charges a conspiracy to commit a robbery affecting interstate commerce, Mr. Pinder contends that he did not knowingly and willfully join a conspiracy to commit a robbery affecting interstate commerce as set forth in Count One of the Indictment. More specifically, Mr. Pinder contends that he agreed to commit a burglary, which is a state crime as opposed to a Hobbs Act robbery, which is a federal crime. I will now define the terms robbery and burglary, so that you understand the difference between the two.

Robbery means the unlawful taking or obtaining of personal property from the person or in the presence of another against his/her will, by means of actual or threatened force, or violence.

In contrast, a person commits the offense of burglary when, without authority, that person enters (or remains in) any building or dwelling place of another (or into any room or any part of it) with the intent to commit a theft.

Therefore, if you find that Mr. Pinder conspired to commit a burglary, as opposed to a robbery affecting interstate commerce, you must find him not guilty.

*(The definition of robbery comes from the Federal Criminal Jury Instructions for the Seventh Circuit, 8. Title 18 Offenses).*

*(The definition of burglary comes from the Georgia Suggested Pattern Jury Instructions, Volume II: Criminal Cases, 4th Ed., 2.62.10).*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Proposed Supplemental Jury Instruction has been formatted in Times New Roman 14 pt., in accordance with Local Rule 5.1B, and was electronically filed this day with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following counsel of record:

Jeffrey Aaron Brown, Esq.  
Assistant United States Attorney  
Suite 600, Richard B. Russell Building  
75 Spring Street, S.W.  
Atlanta, Georgia 30303

Dated: This 10th day of August, 2010.

/s/ Vionnette Johnson

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GEORGIA BAR NO.: 601290

/s/ Natasha Perdeu Silas

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